

### **REMARKS**

At the time of the Office Action, Claims 26-33, 35-41, 43-46 and 48-57 were pending in this Application. Claims 26-33, 35-41, 43-46 and 48-57 were allowed. Claims 26, 44, 51 and 55 have been amended to further define various features of Applicants' invention. Additionally, Applicants have added one new claim (Claim 58). These additions are generally directed to the same subject matter as the claims on file except that the degree of spacing between the active electrode and the return electrode is further specified. This subject matter is supported in the application by, for example, page 6, line 19. Applicants respectfully request reconsideration and favorable action in this case.

### **Rejections under 35 U.S.C. § 112**

Claims 44 and 51-57 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended these Claims to overcome these rejections and respectfully request withdrawal of the rejections.

### **Allowable Subject Matter**

Claims 26-33, 35-41, 45, 46, 48, and 49 are allowed. Applicant appreciates the Examiner's indication that Claims 44 and 51-56 would be allowable if written to overcome the rejections under 35 U.S.C. §112, second paragraph, as set forth in the Office Action.

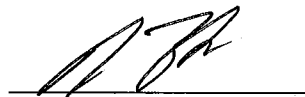
**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 408.735.6323.

Respectfully submitted,



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